

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re: :

Chapter 11

2626 BWAY LLC, : Case No. 10-14731 (SCC)

Debtor. :

-----X

2626 BWAY LLC, :

Plaintiff,

-against- :

BROADWAY METRO ASSOCIATES, LP,
ALBERT BIALEK, HOWARD W. SEGAL, Adv. Pro. No. 10-04086-scc
P.C. AND HOWARD W. SEGAL, ESQ., :

Defendants.

-----X

ORDER OF REMAND

2626 BWAY LLC, the above-captioned debtor and debtor-in-possession and plaintiff in the above-captioned adversary proceeding (“Plaintiff”), having commenced a voluntary Chapter 11 case on September 3, 2010, and having removed the above-captioned adversary proceeding to this Court on October 27, 2010, from the Supreme Court, State of New York, New York County (the “State Court”), where it was pending as *2626 BWAY LLC v. Broadway Metro Associates, LP, Albert Bialek, Howard W. Segal, P.C. and Howard W. Segal, Esq.*, Index No. 1005586/10 (the “State Court Action”), and upon defendants’ motion filed November 24, 2010 for an order of remand pursuant to 28

U.S.C. § 1452(b) and FRBP 9027(d) or, in the alternative, for abstention pursuant to 28 U.S.C. § 1334(c)(2) (the “Motion”), and Plaintiff having filed papers in opposition to the Motion on December 8, 2010, and upon the Court having heard argument on the Motion on December 15, 2010, and upon due deliberation and for good cause appearing therefore, it is hereby

ORDERED as follows:

1. The State Court Action is remanded to the State Court.
2. Defendants are directed to advise the State Court that the State Court Action has been remanded and that there is no bankruptcy stay of any further proceedings in the State Court Action.
3. This Order is effective upon entry thereof.

December 17, 2010

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE